**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929**

**WP(C).No. 18577 of 2007(J)**
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**AGAINST THE ORDER IN IA.1992/2006 IN OS.69/2006 of MUNSIFF COURT, HOSDRUG**
**.....**

**PETITIONER:**
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**V.V.SAKUNTHALA, WIFE OF VALIYA VEETTIL KARUPPAN, RESIDING NEAR KOTTIKULAM BEACH ROAD IN PALLIKKARA VILLAGE, HOSDURG TALUK POST BEKAL.**

**BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR**

**RESPONDENTS:**
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1. **K.KARUPPAN, S/O KUNDURAN KUMARAN, RESIDING NEAR KOTTIKULAM BEACH ROAD, PALLIKKARA VILLAGE, HOSDRUG TALUK.**

2. **K.RAMESHAN, S/O KUNHAMBU, RESIDING AT CHERAMMEL, PALLIKKARA VILLAGE, HOSDRUG TALUK.**

3. **K.RAJAN, S/O KAMBILIYAN, RESIDING NEAR KOTTIKULAM BEACH ROAD, PALLIKKARA VILLAGE, HOSDRUG TALUK.**

4. **KARUNAN, S/O SHANKARAN, RESIDING AT MALAMKUNNUR PALLIKKARA VILLAGE, HOSDRUG TALUK.**

**BY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**M.N. KRISHNAN, J.**

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**W.P.C. NO. 18577 OF 2007**

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**Dated this the 18th day of June, 2007.**

**J U D G M E N T**

This writ petition is filed against the order in I.A.1992/06 in O.S.69/06. The said application was filed for a joint trial of the suit along with O.S.91/06 pending before the very same court.

2. A perusal of the order of the trial court would reveal that the parties are same, the documents are same and that he has observed that it may be convenient to try the suit jointly. But the reason for dismissal of the application was, against an interim order in O.S.91/06 a civil miscellaneous application is pending and as the present suit is listed for trial they need not be jointly tried. It is not the principle to be followed while considering the question of joint trial. When the parties are same, the issues are identical and documents relied upon are the same, it is only just that they are tried jointly, irrespective of the fact that it

may take some time to dispose of the matter. Therefore, the order under challenge is set aside and the learned Munsiff, Hosdurg is directed to consider the application for joint trial in the light of the above observations. Meanwhile, there will be a direction also to the Subordinate Judge, Hosdurg to dispose of C.M.A. 17 of 2006 as expeditiously as possible so as to enable the trial court to proceed with the matter jointly, in case of joint trial is ordered. Registry is directed to send a copy of this judgment to the Subordinate Judge, Hosdrug for compliance. Till the joint trial application is considered and orders are passed in accordance with law, further trial of O.S.69/06 shall be deferred.

The writ petition is disposed of accordingly.

**M.N. KRISHNAN, JUDGE.**

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